

TOWN OF HERNDON, VIRGINIA

ORDINANCE

NOVEMBER 26, 2013

Ordinance- Adding new Article VIII, Planned development transit oriented core (PD-TOC), Chapter 78, Zoning Ordinance and rezoning approximately 38 acres on the south side of the Herndon Parkway described as the Herndon Transit-Oriented Core to PD-TOC; ZOTA # 13-09 (ZMA reference number 13-102) and incorporating the Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core by reference.

In adopting this ordinance, the Town Council has considered the factors set out in § 15.2-2284, Code of Virginia.

BE IT ORDAINED by the Council for the Town of Herndon that:

1. Chapter 78, Zoning, Zoning Ordinance (2007), Herndon Town Code (2000), as amended is amended and re-ordained by the addition of new Article VIII, Planned development transit oriented core (PD-TOC), as follows:

Herndon Town Code

Chapter 78

ZONING

Article VIII. Planned development transit oriented core (PD-TOC)

Sec. 78-800. Planned development transit oriented core (PD-TOC).

The following sections contain provisions pertaining to development within the area designated as the Metrorail Station Urban Development Area, also referred to as the Herndon Transit-Oriented Core, within the Town of Herndon Comprehensive Plan and accompanying documents referenced therein. Where there may be conflicts between this Article and general zoning, subdivision or other regulations, or requirements, the regulations of this Article shall apply. The zoning administrator shall determine questions of whether or not other sections of this Chapter apply. All future development of properties within the Herndon Transit Oriented Core shall conform to the standards contained in this Article.

Sec. 78-801. Purpose and intent.

The purpose and intent of the Metrorail Station Urban Development Area is to create a distinctive employment center and residential neighborhood characterized by concentrated development that is vibrant, mixed use, transit oriented and pedestrian friendly. Emerging development is interwoven with and strengthens the town's cultural fabric and sense of identity.

The scale of development provides maximum benefit for the fiscal health of the town by supporting long-term economic sustainability. The PD-TOC is established for the Herndon Transit-Oriented Core, as defined in the adopted comprehensive plan, to implement through phased redevelopment the mix of uses, densities and intensities as set forth in the adopted comprehensive plan. The PD-TOC district regulations are designed to provide the necessary flexibility to transform the suburban office park development that currently exist in the Herndon Transit-Oriented Core into a transit oriented activity center as envisioned by the adopted comprehensive plan, the Herndon Metro Station Area Study and Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core. The PD-TOC district regulations have been developed to create a 38 acre transit oriented core comprised of environmentally sustainable development, a vibrant mix of uses, premier architectural, landscape architectural, and urban design, robust pedestrian and bicycle accommodations, and necessary infrastructure improvements.

Sec. 78-802. Density

Properties within the PD-TOC shall be permitted to develop up to a maximum intensity of .70 FAR, provided a site plan is reviewed and approved pursuant to Sec. 78-805 Site plan review, and shall follow the processes set forth in Article II of this chapter.

Properties within the PD-TOC, may submit a special exception application for additional density greater than .70 FAR, but not to exceed an additional .50 FAR. Such applications shall follow the relevant processes set forth in Article II of this chapter. In addition to the general special exception submittal requirements, special exception applications for additional density in the PD-TOC shall include the following:

- a. A statement by the applicant indicating the anticipated duration of the use and structure and whether or not it is anticipated to serve as the first phase of future development or an interim condition that will be removed when future development occurs.

In addition to the standards set forth in Sec. 78-202.3(e) Standards, a special exception for additional density within the PD-TOC may be approved upon a determination by the Planning Commission and Town Council, respectively, as to whether and the extent to which the proposed plan and use(s) meet the following standards:

- a. Reflects the intent of the Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core.
- b. Allows and encourages future development of the remainder of the site and abutting properties.
- c. Enhances areas within the subject property not to be developed under the proposed special exception.
- d. Incorporates and screens service areas, structured and non-structured parking areas and mechanical equipment, dumpsters and other utility apparatus and uses.

Any site plan associated with an approved special exception for additional density in the PD-TOC district shall be subject to Sec. 78-805. Site plan review.

Pursuant to Section 78-803 Development plan application procedures, properties within the PD-TOC may develop at intensities up to 4.3 FAR, as more particularly set forth in the adopted comprehensive plan, following approval of a development plan by zoning ordinance by the Town Council demonstrating conformance with the elements in Sec. 78-804 Standards for development plan applications within the PD-TOC. No parcel within the PD-TOC shall be developed at a density greater than 1.2 FAR without the approval of a development plan by the Town Council. In connection with an approval of a development plan under Sec. 78-803, the Town Council may accept proffered conditions offered by an applicant under Va. Code Sec. 15.2-2303, which conditions shall supplement the standards and requirements of this PD-TOC district and be noted on the official zoning map of the Town of Herndon.

Sec. 78-803. Development plan application procedures.

The purpose of a development plan is to provide flexibility for property owners to secure approval of a phased development that adheres to the adopted comprehensive plan and the Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core and Sec. 78-804. Standards for development plan applications within the PD-TOC. For the purposes of this Article, and notwithstanding Sec. 78-201.3. Submittal requirements, the following application procedures and submittal requirements shall apply for applications submitted to the Town Council for properties located within the PD-TOC that propose development in excess of .70 FAR, development greater than the density approved through a special exception as described in Sec. 78-802. Density, or to amend a previously approved PD-TOC development plan.

(a) Submission of applications.

- (1) Applications for development plan applications and associated modifications shall include:

- a. A completed application form provided by the town and signed by the owner(s) or owner's agent(s). Applications shall be submitted to the zoning administrator by the land owner or contract purchaser of the land upon which the development is proposed, an authorized agent, or any other person authorized by state law. If the applicant is an agent of the owner or a contract purchaser of the land, a letter signed by the owner consenting to the submittal of the application shall be submitted. If the applicant is not the sole owner of the land, the other owners or an entity representing the owners shall sign and submit a letter indicating their consent for the application and their role in the application.
 - b. One copy of an affidavit by the applicant stating whether or not any member of the Planning Commission or the Town Council or any member of the immediate household of any member of the Planning Commission or Town Council has any interest on the subject property, either individually, by ownership of stock in a corporation or partnership.
 - c. Payment of the required fee(s) as prescribed in Table 78-201.2 of this Chapter.
 - d. A statement indicating the date and time that a pre-application conference was held with the zoning administrator or designee, as well as a list of participants in the conference. Notwithstanding §78-201.5(b), at least one neighborhood meeting is required. The purpose of the neighborhood meeting is to (a) educate neighbors about the proposed development and application, (b) receive neighborhood comments, (c) address concerns about the development proposal, and (d) resolve conflicts and outstanding issues, where possible. Neighborhood meetings are opportunities for informal communication between landowners, applicants, and residents who may be affected by development proposals.
 - e. A receipt or other documentation indicating that any delinquent taxes owed on lands subject to the application have been paid.
- (2) A plan, at a scale of not less than one inch equals 50 feet (1" = 50'), showing:
- a. A vicinity map at a scale of not less than one inch equals two thousand feet (1" = 2000').

- b. Existing topography and a statement indicating whether it is air survey or field run, with a maximum contour interval of two feet; except where existing ground is on a slope of less than two percent, then either one foot contours or spot elevations shall be provided where necessary, but not more than fifty feet apart in both directions.
- c. Scale and north arrow, with north, to the extent feasible, oriented to the top of all drawings.
- d. The approximate location and arrangement of all proposed structures and uses, including the proposed build-to lines, the distances of all structures from the development boundaries and streets, the streetscape and landscape treatments to be provided and the maximum and minimum height in feet of all structures and penthouses.
- e. A massing diagram of all proposed structures employing proposed maximum heights and stating minimum heights if a height range is proposed.
- f. The on-site vehicular and pedestrian circulation system, including the location, width, and appearance of all access drives, entrances to parking areas, parking structures and loading areas, dimensions and screening of loading areas, walkways, bicycle paths, and all trails and streetscapes recommended by the adopted comprehensive plan and Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core, and connections with off-site streets and trails that are existing or are recommended by the adopted comprehensive plan, including private access drives.
- g. All proposed open space areas, recreational features and the approximate location of all exterior and interior proposed community and public facilities.
- h. A statement in tabular form setting forth the maximum and minimum gross floor area for all uses and the resulting FAR for the property.
- i. All proposed improvements to the public right(s)-of-way, including dimensions from the existing centerline to the edge of the pavement and to the edge of the right-of-way.
- j. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey.

- k. In accordance with the provisions of Sec. 78-304.4 Chesapeake Bay Preservation Area overlay district (CBPAOD), The delineation of any Resource Protection Area, and the minimum distance of any existing and proposed structures from the floodplain, or Resource Protection Area.
- l. A delineation of existing vegetation, to include existing vegetation to be preserved.
- m. Approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
- n. The location of all existing utility easements having a width of twenty-five feet or more, and all major underground utility easements regardless of width.
- o. Approximate delineation of any grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact the burial site.
- p. A visual presentation, including plans and sections, of how abutting and adjacent properties shall be protected from any adverse effects prompted by the proposed development, to include vehicular access plans, proposed measures of screening, and dimensions of all peripheral yards that will be provided.
- q. A delineation of all existing structures, and an indication of their date of construction if known, and whether they will be retained or demolished.
- r. A statement in tabular form setting forth the minimum and maximum number of dwelling units proposed by type and indicating the projected range in unit square footage and number of bedrooms and conversion to the corresponding FAR.
- s. A statement in tabular form of the open space calculations by type.
- t. A listing of the proposed special amenities within the planned development, including but not limited to interior and exterior recreational space, and the approximate size and purpose of each such facility, along with an analysis explaining the relationship of the planned development to the adopted comprehensive plan.

- u. A statement that the proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards, or, if any modification is sought by the applicant, such shall be specifically noted with a justification for such modification.
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- (3) Five copies of a map identifying classification of soil types at a scale of not less than one inch equals five hundred feet (1" = 500'), based upon information available on the County of Fairfax Soils Identification Maps.
 - (4) A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; or petroleum products as defined in Title 40, Code of Federal Regulations Part 280, to be generated, utilized, stored, treated, or disposed of on-site and the size and contents of any existing or proposed storage tanks or containers.
 - (5) A plan delineating the property and its proximity to the Herndon Metrorail pavilion entrance using one eighth, one quarter, one third and one half mile distances.
 - (6) A phasing plan, if applicable, that identifies conceptually each phase and the anticipated order of phasing for the proposed development. Such plan shall at a minimum specify for each phase of the development, the location and the anticipated mix of uses; the conceptual streetscape and landscape treatments to be provided; the amount and location of all parking and loading spaces; and a statement as to how each phase of development will contribute toward the provision of public and private infrastructure, necessary to achieve the objectives set forth in the adopted comprehensive plan, Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core and Sec. 78-804 Standards for development plan applications within the PD-TOC.
 - (7) A parking plan, identifying the applicable parking rates as set forth in 78-816 Parking; and including, the number and general location of all off-street parking, loading, and (as applicable) stacking spaces, as well as the general location of all ingress/egress points to all parking facilities. Transportation Demand Management goals, affecting parking requirements, shall be set forth and justification provided. Where parking is to be provided in phases in accordance with a phased development proposal, the parking plan shall provide the information set forth above for each proposed phase. The council may reduce the

minimum off-street parking requirements when it is demonstrated by the applicant and determined by the council that such reduction is in furtherance of the goals of the comprehensive plan and the Herndon Metro Station Area Study.

- (8) A shadow analysis demonstrating how projected shadows from the proposed development will affect adjacent buildings and properties in terms of the loss of received sunlight.
- (9) Graphics and/or photo simulations that depict the proposed structures as viewed from adjacent sidewalks, streets, properties and other sensitive viewing areas.
- (10) A statement and graphic depiction of the types, minimum sizes and general locations of the urban design amenities to be provided within the PD-TOC District including pedestrian linkages, plazas, courtyards, bicycle trails, outdoor recreation facilities, and public and private parks, interior civic space, and outdoor activity zones, such as outdoor dining areas.
- (11) A landscape plan showing the limits of clearing, location and design of all screening measures both interim and long-term, indicating the type and height of such screening, and a delineation of existing vegetation, to include existing vegetation to be preserved, and when there is 2500 square feet or more of land disturbing activity, an existing vegetation map.
- (12) A statement in narrative or tabular form describing exterior architectural materials to be used within the development.
- (13) Open space areas, specifying the proposed treatment or improvement of all such areas and delineating those areas proposed for specific types of developed recreational facilities.
- (14) Proffer procedures shall be per Section 78-202.1.(e) Conditional applications to amend the zoning map.
- (15) A traffic impact study per Section 78-501.2.

Sec. 78-804. Standards for development plan applications within the PD-TOC.

For development plan applications within the PD-TOC district, the applicant shall demonstrate that the proposed development furthers the purpose and intent of the PD-TOC district and the vision of the adopted comprehensive plan, documents referenced therein and the Urban Design and Architectural Guidelines for the Herndon

Transit-Oriented Core by addressing and achieving at a minimum the following objectives:

- (1) Contribute to a tiered intensity of development, with the highest intensities located closest to the Herndon Metro Station pavilion, and the Herndon Station Promenade, with a mix of residential, office, retail and hotel uses and public spaces necessary to achieve a vibrant, mixed-use urban environment.
- (2) Contribute to a logical networks of open space and urban parks designed as described in the Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core and Chapter 6 of the Herndon Metro Station Area Study to include but not be limited to the Herndon Station Promenade, Herndon Parkway streetscape and cycle track, the extension of the Folly Lick Trail as an urban streetscape with multi-modal accommodations, the Metrorail Station Urban Development Area portion of the Sugarland Run Stream Valley Trail pocket parks, common greens, civic plazas and recreational amenities for the district's residents and workforce, which reflect exemplary design in the fields of landscape architecture, urban design and public art.
- (3) Voluntarily address impacts to public facilities that result from the proposed development plan application, to include police protection, park and recreation services, public utilities and Fairfax County services to include fire and rescue, libraries and schools.
- (4) Voluntarily contribute a fair share of the necessary infrastructure improvements identified in the Herndon Metro Station Area Study including but not limited to the creation of the Worldgate Connector, the redesign of the Herndon Parkway, and water and sewer improvements.
- (5) Create and provide exemplary pedestrian, bicycle, passenger vehicle and service vehicle access.
- (6) Reduce the number of single occupant vehicle trips by implementing various Transportation Demand Management strategies, such as voluntary transit subsidies, carpool and vanpool services, employee shuttles, car sharing programs and bicycle accommodations, limiting the amount of provided parking, encouraging shared parking arrangements among appropriate uses, and permitting the inclusion of managed tandem parking spaces.
- (7) Apply the adopted Urban Design and Architectural Guidelines for the Herndon Transit Oriented Core.
- (8) Demonstrate how the development plan application contributes to a cohesive PD-TOC district and will permit development of adjacent parcels or landbays that are not included within the development plan application.

- (9) Reduce energy consumption and enhance the physical environment through specified stormwater management and sustainable building techniques.

Sec. 78-805. Site plan review.

Site plans for all developments within the PD-TOC shall follow the relevant processes set forth in Article II of this chapter in addition to the following specific requirements.

- (1) Properties for which no development plan has been approved under Sec. 78-802 Density.
 - a. The applicant shall provide a note on the site plan stating whether or not the development shown on the site plan is anticipated to be the first phase of future development under a future development plan or interim development likely to be removed under a future development plan.
 - b. Streetscape elements along public and private streets or access drives shall be provided in accordance with the standards of the adopted comprehensive plan, the Herndon Guidelines for the Planning and Design of Town Streetscapes and the Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core as appropriate.
 - c. Streetscape, trail and promenade easements or dedication shall be provided when the proposed site plan incorporates land designated for such in the adopted comprehensive plan.
 - d. Streets and private access drives to and from existing public rights-of-way shall be constructed to provide safe and convenient means of ingress and egress for motor vehicles and pedestrians, with the locations of proposed buildings or structures oriented to accommodate such connections.
 - e. The Zoning Administrator shall provide written determination that the site plan conforms to pertinent sections of the comprehensive plan, Guidelines for the Planning and Design of Town Streetscapes and the Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core within 45 days of the first submission of the site plan being accepted by the town and prior to the return of the first submission of the site plan to the applicant or applicant's agent. If the Zoning Administrator finds that the site plan does not conform to the comprehensive plan, Guidelines for the Planning and Design of Town Streetscapes and the Urban

Design and Architectural Guidelines for the Herndon Transit-Oriented Core, the Zoning Administrator shall provide to the applicant an explanation concerning how the plan fails to conform and possible measures for bringing the site plan into conformance with the above referenced documents. The applicant may appeal the decision of the Zoning Administrator to the circuit court per standard site plan appeal procedures.

- f. Site plans submitted for properties that are the subject of an approved special exception allowing density greater than .70 FAR shall include a copy of the approved special exception plan and any approved conditions. Site plans must be in substantial conformity with the approved special exception. For the purposes of this section, substantial conformity shall mean that conformity which leaves a reasonable margin for adjustment due to final engineering and site condition data and conforms to the general nature of the development, the specific uses, and the general layout depicted by the approved special exception including plans and other demonstrative materials. No site plan shall be approved unless the approving authority finds that the plan is in substantial conformity with the approved special exception.

(2) Properties for which a development plan has been approved under Sec. 78-802 Density.

- a. The site plan shall include a copy of the approved development plan and a copy of the signed proffer statement if applicable.
- b. The site plan shall include a copy of the approved phasing plan clearly indicating the phase or phases contained within the current site plan submittal as well as all phases with previous site plan approval at the time of initial submission of the site plan application.
- c. The site plan shall include a statement in tabular form that sets forth the amount of gross floor area, FAR and the number of dwelling units (if applicable) approved for the landbay subject to the development plan and the amount of gross floor area, FAR and the number of dwelling units (if applicable) constructed or approved under a separate site plan as of the date of the submission of the site plan, if applicable.
- d. No site plan shall be approved unless the reviewing authority finds that it is in substantial conformity with the approved development plan.

Sec. 78-806. Architectural review board application and review.

Following approval of any site plan for development in the PD-TOC the Town of Herndon Architectural Review Board shall review the proposed development per 78-200.5. Architectural Review Board, and shall apply the guidelines found in the adopted Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core. Applications for development within the PD-TOC, for review by the Town of Herndon Architectural Review Board, shall be augmented by the following:

Plans for all exterior ground level or elevated courtyards, plazas, streetscapes and other open spaces with proposed elements such as but not limited to pavement materials and designs, benches, tables, landscape structures and features, fountains, free-standing and building mounted lights and poles, litter and recycling receptacles. Colors, cut-sheets, detail drawings, and samples shall be provided as appropriate to the element being depicted.

Sec. 78-807. Permitted uses.

Notwithstanding Article IV, Use regulations, the following uses and their definitions shall apply within the PD-TOC. Other uses not listed are not allowed, unless determined by the zoning administrator to be similar to a permitted use.

TABLE 78-807

Residential Uses	Description of Use
Stacked townhouses	Rental, condominium or fee simple
Multi-family	Rental or condominium
Housing for the elderly & assisted living	Rental or condominium
Uses Accessory to Residential	Description of Use
Home-based businesses	Per Sec. 78-402.7(k) Home-based businesses including daycare and childcare
Accessory structures	Per approved development plan or site plan
Recreational uses	As described within the comprehensive plan
Office Uses	Description of Use
Office	Commercial, professional and healthcare offices providing standard or alternative healthcare services – patient care shall be limited to outpatient care only.
Commercial Uses	Description of Use
Financial Services	Banking and investment services

Retail	Display and sale of consumer goods including but not limited to take-away prepared foods and beverages in establishments with fewer than eight tables
Restaurant	Sale of food and beverages for off-site or on-site consumption in establishments with eight or more tables and customary accessory uses including accessory entertainment and dancing
Personal service	Establishments for personal care such as day spas, tanning, salons, barber shops as well as the care of personal items such as dry-cleaning drop off/pick-up (without on-site cleaning), tailoring, and shoe repair
Commercial services	Establishments for printing, mailing, packaging, and travel assistance
Creative services	Establishments combining artistic production with sales and services such as photography and artist studios
Animal service	Services provided for companion animals to include veterinary offices, animal daycare, indoor kennels, and pet grooming
Recreational	Private and for fee health clubs with customary accessory uses, and interior sporting facilities
Theater	Live, electronic and film presentations, with or without food and beverage service
Educational and Institutional Uses	
Description of Use	
Early grade, kindergarten and preschool	A facility giving regular instruction at least five days a week, except holidays, for a school year of not less than seven months for preschoolers, kindergarteners and grades 1 and 2.
Daycare	A facility where one or more children receive care, protection and supervision on a regular basis during only part of a twenty-four hour day unattended by parent or legal guardian.

Career school or school of special instruction	Business or institution devoted to giving instruction, which may lead to a career-based certificate or other qualifications or a facility dedicated to providing classes such as classes for recreation, art, drama music, dance, self-improvement, adult education leading to a GED, faith-based subjects, language or other special subjects but which are not part of a two year, four year or post-graduate degree program.
College or university	A not for profit or for profit institution granting 2, 4, or post-graduate degrees with or without student residences.
Places of worship for fewer than 300	Places of worship accommodating fewer than 300 individuals at one time and which may provide accessory uses such as study of the faith, and childcare or recreational services for attendees of faith events
Museums and art galleries	An institution for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value.
Hospitality Uses	Description of Use
Hotels and conference centers	An establishment containing separate and distinct sleeping rooms or suites that contain at least one private bath, are offered to the general public for rental, and are occupied by persons on primarily transient basis such that most occupants stay in the building for no longer than one week at a time, which may or may not have meeting and banquet facilities.
Transportation Uses	Description of Use
Transit facilities	Commercial and public commuter and transit information services, structures and facilities for the accessing of public transit services
Parking garages	Private parking garages as accessory to all permitted uses; such garages may provide limited access and pay for parking options for tenants, residents, customers and others

Car sharing enterprises	Facilities and vehicle storage for car sharing enterprises with storage as referenced in Sec. 78-809
Bicycle sharing enterprises	Facilities and bicycle storage for bicycle sharing enterprises with storage as referenced in Sec. 78-809
Government*	Description of use
Police substation	Facility providing office space, meeting rooms, outreach programs, for public law enforcement
Library	Facility providing books and electronic media for loan, reading and computer rooms and general meeting space
Other	
Interior recreation	Public or private facility providing various forms of recreation including sports, art, drama music, dance, self-improvement, yoga and similar activities
Exterior recreation	Public or private parks, pocket parks, plazas, playgrounds, athletic fields and similar facilities for active or passive relaxation.

* For government offices see "Office uses"

Sec. 78-808. Temporary uses and structures.

Temporary uses and structures shall be permitted and governed per Sec. 78-403, Temporary uses and structures.

Sec. 78-809. Outdoor and garage display and storage.

Outdoor and garage storage of items displayed for sale or lease is not permitted with the following exceptions:

- (1) Display of produce, flowers, handcrafted items and seasonal horticultural products located within the building zone and within stands or other containers.
- (2) Storage of 10 or fewer passenger vehicles for rent associated with a hotel use is permitted within a garage or other designated area on an approved development plan.
- (3) Storage of passenger vehicles and motorcycles associated with a car sharing enterprise is permitted in private parking areas or along private streets as shown on an approved site plan.

- (4) Storage of bicycles in association with a bicycle sharing enterprise is permitted on private property.

The sale of products on Town controlled property, on Town rights-of-way and along the Herndon Promenade shall be as permitted by the Town.

Sec. 78-810. Minimum lot size.

There is no minimum lot size within the PD-TOC.

Sec. 78-811. Open space.

Within the PD-TOC there is no minimum open space requirement. All development within the PD-TOC is responsible for contributing to the creation of a high-quality, pedestrian centric development demonstrating applied expertise in the areas of urban design, landscape architecture, architecture, and recreation management. Development plans shall incorporate a variety of exterior amenities consisting of a number of features such as courtyards, public and semi-public access drives, pedestrian and bicycle connections, lawns, gardens, and passive and active recreational environments. These exterior amenities shall be designed with the high quality materials, extensive landscaping as appropriate, creatively designed surfaces and superior functionality designed for the comfort and need of pedestrians to ensure physical and visual relief for the residents, visitors and workforce within the PD-TOC. For development in the PD-TOC which is being developed per the provisions of Sec. 78-802 Density and has not been the subject of an approved development plan, the reviewing authority shall determine whether the plan meets the above standards.

Ground level plazas and parks are a required feature within the PD-TOC. Interior civic space, such as space dedicated to museum uses or interior recreation space including that dedicated to public use and operated by the town, is highly encouraged, as is private interior recreation space for the enjoyment of residents and those employed within the PD-TOC. Green rooftops offering a variety of passive and active recreational amenities are encouraged in appropriate settings and circumstances.

The quality, size and number of exterior rooftop, at grade and elevated courtyards, parks, recreation areas, pedestrian plazas, and pedestrian, vehicular and bicycle connections shall be considered in the review of development plans as well as the quality, size, number and accessibility of interior and exterior public and private recreation and civic uses.

Sec. 78-812. Setbacks and yards.

The following setbacks and yards shall apply to all development within the PD-TOC.

- (1) Setbacks abutting the Herndon Parkway, Van Buren Street and Worldgate Connector.
 - a. The setback shall be sufficient to provide for the applicable streetscape improvements as described in the adopted comprehensive plan, Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core and the Herndon Guidelines for the Planning and Design of Town Streetscapes as appropriate. The required streetscape improvements shall be provided and shall be located within the public right-of-way or on private property with a public street easement or within a combination of both. Buildings shall not be located further than 15 feet from the adjacent edge of the public streetscape. Between the edge of streetscape and the adjacent building the following uses may be permitted: restaurant seating with or without table service; bicycle racks and storage including but not limited to bicycles for bicycle sharing enterprises; streetscape furnishings; awnings; entrance features to include covered and uncovered steps, porticos, planters and landscaping; public art; vendor carts associated with existing on-site uses or under lease agreement with the owner of the property
- (2) Setbacks abutting the Herndon Station Promenade.
 - a. The setback shall be sufficient to provide for the applicable improvements as described in the adopted comprehensive plan and the Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core. The required improvements shall be provided on private property with a dedicated public access easement or within public property or a combination of both. No building shall be located further than 15 feet from the adjacent edge of the promenade. The development shall incorporate provisions found in the Town of Herndon Comprehensive Plan and the Urban Design and Architectural Guidelines for the Herndon Transit Oriented Core for the layout and design of the promenade as part of an application for development.
- (3) Setbacks abutting the Dulles Toll Road.
 - a. Abutting the future location of the Sugarland Run Trail, no structure shall be within forty (40) feet of the Dulles Toll Road right-of-way. Properties abutting the Dulles Toll Road right-of-way and the future Sugarland Run Trail shall incorporate provisions found in the Town of Herndon Comprehensive Plan and the Urban Design and Architectural

Guidelines for the Herndon Transit Oriented Core for the Sugarland Run Trail. Where the Sugarland Run Trail does not abut the Dulles Toll Road right-of-way, no structure shall be within twenty (20') feet of the Dulles Toll Road right-of-way.

(4) Internal yards.

- a. Building placement and relationship shall be as described within the Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core and as further defined by Sec. 78-813 Tower separation.

Sec. 78-813. Tower separation

To ensure adequate air, light, and privacy building tower separation shall be as follows:

- (1) A minimum horizontal separation of sixty-five feet between residential building towers above eighty feet.
- (2) A minimum horizontal separation of fifty feet between non-residential building towers above eighty feet.

Sec. 78-814. Access drives.

Motor vehicle, service and emergency access associated with development governed by a development plan as described in Sec. 78-802 Density, shall be designed as described within the Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core. Such access drives whether located within one parcel or across multiple parcels shall not be less than 40 feet in width from building façade to building facade. Any vehicle standing or parking accommodations shall be in addition to the 40 foot minimum width.

Sec. 78-815. Building Heights.

The height of any structure shall not exceed the strictest limitation set out as follows:

The height of any structure within the PD-TOC district shall not exceed 275 feet inclusive of parking levels. Structures permitted to exceed the maximum height limitation within the PD-TOC include parapet walls and non-habitable space such as but not limited to mechanical equipment and mechanical penthouses, atrium roofs, landscaping, swimming pools, and exterior recreational facilities and associated fencing and antennas. Such structures shall not exceed 35 feet in height. Building height relative to adjacent existing or proposed buildings, public streets and the Promenade shall be as governed by the Urban Design and Architectural Guidelines for the Herndon Transit Oriented Core.

Within the PD-TOC, height shall be measured from finished grade at the nearest property line abutting a public right-of-way to the top of the highest roof membrane on a flat roof or the top of the highest ridgeline on a sloped or mansard roof.

Sec. 78-816. Parking.

Notwithstanding the provisions of 78-500.3 Off-street parking standards, parking for uses established in the PD-TOC district shall be provided as set forth below. In connection with its approval of a development plan pursuant to Sec. 78-804 or upon separate application by one or more property owners, the Town Council may reduce the minimum off-street parking and loading requirements for a proposed development when it is demonstrated by the applicant and determined by the council that such reduction furthers the goals of the adopted comprehensive plan. In support of an application for a reduction in parking and loading spaces, the applicant shall submit a statement regarding how the proposed number of parking and loading spaces is adequate to serve the proposed uses within the development; a descriptions of any planned valet parking, tandem parking, and shuttle arrangements that will be implemented for the proposed use(s) and how such spaces or shuttles will be managed; and a statement regarding how the proposed number of parking spaces addresses the goals of the comprehensive plan. Required bicycle parking shall not be on balconies or within public rights-of-way.

Use	Space Per Unit of Measure	Minimum Parking Long-term Use	Minimum Parking Interim Use	Minimum Bicycle Parking
Residential	Per Dwelling Unit	1.0	1.6	0.75
Hotel	Per Hotel Unit	.75	.90	0.10
Hotel with Conference Center	Per Hotel Unit	1.0	1.2	0.15
Retail, Personal Service, Restaurant (including all ground-floor public assembly space and retail space)	Per 1,000 GFA	1.25	3.0	0.25
Office and Other Non-Residential/Hotel Uses above the Ground-Floor	Per 1,000 GFA	2.0	3.0	0.20

Sec. 78-817. Dimensional standards for parking spaces and aisles.

Notwithstanding similar provisions in the Herndon Public Facilities Manual, the minimum dimensions for standard car parking spaces and parking lot aisles shall be provided as shown in Table 78-817 Dimensional Standards for Parking Spaces and Aisles:

TABLE 78-817: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

Angle	Stall Width (ft)	Stall Depth (ft)
45°	8.5	19.0
60°	8.5	20.0
90°	8.5	18.0*

*This dimension may be reduced by up to 1.5 feet (0.45m) where the zoning administrator determines that adequate "head-in" overhang exists exclusive of required planting or screening requirements and sidewalks. Parking structures may be subject to dimensional adjustments based on utilization, but in no case shall the standard space width be less than eight and one-half feet. Reduction in design standards shall be subject to approval by the Town Council.

Accessible parking spaces for persons with disabilities. When provided as a required accessibility improvement, accessible off-street parking spaces and related access aisles and accessible routes shall be in accordance with the provisions of the Virginia Uniform Statewide Building Code and the Town of Herndon Public Facilities Manual. The number of accessible parking spaces shall be included in the required number of parking spaces. Each such accessible parking space shall be designated as reserved for persons with disabilities by an above grade sign in conformance with the design and content specifications of the Public Facilities Manual.

Sec. 78-818. Motorcycle parking.

Within the PD-TOC district up to 2.5 percent of required parking spaces may be sized for motorcycles.

Sec. 78-819. Loading Spaces.

Development within the PD-TOC shall provide adequate loading spaces as determined at the time of development plan or site plan approval, based upon recognized standards for the type and mix of uses. All loading spaces shall be screened from view preferably by their location within the structure of the building and will not be located along Herndon Parkway frontage or façade. The dimensions, access, and screening of loading spaces shall be determined at the time of development plan or site plan approval.

Sec. 78-820. Tandem parking.

Within the PD-TOC district tandem parking is permitted as follows:

1. When valet parking is provided during operating hours.
2. When the spaces are dedicated to a single dwelling unit.
3. When a fully automated parking system has been installed in a parking area.

Sec. 78-821. Stormwater.

Stormwater management within the PD-TOC shall meet all applicable requirements of the Town's adopted public facilities manual and the adopted Chesapeake Bay Preservation Overlay district. Toward this end, within the PD-TOC the following practices shall be among the implemented stormwater management practices if supported by general law. If not, general law shall apply:

- Sustainable streets and access drives to include tree box filters.
- Green roofs.
- Porous pavement where appropriate.
- Rainwater harvesting.

Other green infrastructure techniques to retain infiltrate, evapotranspire, and reuse rainwater.

Sec. 78-822. Landscaping, buffers and screening.

Landscaping, buffers and screening shall be as provided for in the Herndon Guidelines for the Planning and Design of Town Streetscapes, the Herndon Comprehensive Plan and the Urban Design and Architectural Guidelines for the Herndon Transit Oriented Core.

For development of a property under a by-right site plan or site plan following the approval of a special exception for additional density and which has not been the subject of an approved development plan, uncovered surface parking areas shall provide landscaping within the interior of the parking area. Within parking areas each tree shall be afforded a minimum of 120 square feet of root zone. There shall be a minimum of 1 shade tree per every 12 parking spaces. Screening shall be provided between parking lots and public right(s)-of-way and the Herndon Metro Promenade.

For all development within the PD-TOC mechanical equipment, utility boxes, dumpsters, antennas, tanks, generators, similar apparatus and storage structures shall be located underground, within primary structures or screened within parking garages.

Sec. 78-823. Nonconformities

(a) Any structure or use existing within the PD-TOC district upon the enactment of this Article may continue in effect pursuant to Article VI of this Ordinance.

(b) Structures or uses within the PD-TOC zoning district as of the date of the adoption of this Ordinance 13-09 (Ordinance) shall not be deemed non-conforming structures or uses notwithstanding their possible inconsistency with yard, height, lot coverage, parking, use, or other development regulations contained in this Ordinance. Rather, such structures or uses are conformed to the regulations of this Ordinance and such structures or uses existing within the PD-TOC district upon the enactment of this Article VIII may continue; and may be repaired, renovated, or enlarged under the standards in the O & LI district or under the PD-TOC standards, up to the maximum floor area ratio of 0.7 if the O & LI standards are applied, provided that such uses or structures complied with the density provisions of this Ordinance prior to the enactment of this Article. If the repair, renovation, or enlargement occurs under the PD-TOC standards, the provisions of this Article VIII, among others, shall apply. The owner or applicant may choose which set of standards (the O & LI or the PD-TOC) shall apply to the repair, renovation, or enlargement. Nothing in this paragraph affects the status of any structure or use in the PD-TOC zoning district that is a non-conforming structure or non-conforming use by virtue of a factor other than the adoption of this Ordinance.

2. Section 78-701, Definitions, Zoning Ordinance (2007), Herndon Town Code (2000), as amended is amended and re-ordained by the addition as follows:

The following words, terms, and phrases, when used in this chapter, shall have the meaning ascribed to them in this section.

[insert in alphabetical order]

Dwelling, stacked townhouse. A residential building divided into a minimum of three non communicating dwelling units, each dwelling unit being separated from the other vertically and horizontally.

3. Section 78-303.1, General provisions, Zoning Ordinance (2007), Herndon Town Code (2000), as amended is amended and re-ordained as follows:

Sec. 78-303. 1. General provisions.

(c) Nature of planned development zoning. Planned development zoning may constitute conditional zoning, as authorized by Code of Virginia, § 15.2-2303, involving the proffer of a predetermined plan of development, in return for more flexible development regulations in certain instances. The application, generalized development plan, associated narrative and other statements submitted by the zoning applicant, if accepted by the Town Council, shall serve as proffered conditions attached to the conditional rezoning. Planned development rezonings generally involve a change to the official zoning map, which change shall be noted on the zoning map. In the case of the Planned development Transit-Oriented Core District, there exists a by-right and special exception element of this zoning classification supplemented by the conditional rezoning elements of the planned district. In the case of the by-right element of the Planned Development Transit Oriented Core district, no further legislative approval is necessary to so utilize this district.

(e) Relation of planned development zoning district regulations to general zoning, subdivision or other regulations. The provisions that follow shall apply as may be necessary generally to the initiation, regulation and amendment of the following planned development districts: planned development-business; planned development-commercial; planned development-downtown; planned development-residential; and planned development transit oriented core if necessary. Where there may be conflicts between the planned development provisions and general zoning, subdivision or other regulations, or requirements, the regulations of this division shall apply in planned development districts unless the Town Council shall find, in the particular case, that provisions of this section do not serve public purposes to a degree at least equivalent to such general zoning, subdivision, or other regulations or requirements.

(f) Statements of intent for planned development districts.

(6) PD-TOC, Planned development – transit oriented core. See Section 78-801 of this chapter.

(g) Standards.

(1) General. Planned development districts shall comply with the general standards in section 78-303.1, general provisions, section 78-303.2, additional development standards for planned development districts, development standards in Article V, Development Standards, and all other applicable standards in this chapter and other chapters of the Herndon Town Code. By-right, special exception and development plan based planned development transit oriented core projects must meet the standards set out in Article VIII of this chapter.

4. Section 78-303.2 Additional development standards for planned development districts, Zoning Ordinance (2007), Herndon Town Code (2000), as amended is amended and re-ordained as follows:

Sec. 78-303.2 Additional development standards for planned development districts.

(f) PD-TOC – Planned development transit oriented core. See article VIII.

5. The Town Council rezones from Office and Light Industrial District to the Planned Development Transient Oriented core District the following described real estate lying in the Town of Herndon, Fairfax County, Virginia, more particularly described as follows:

Approximately 38 acres of land described as the Herndon Transit Oriented Core on the south side of Herndon Parkway as set out in the Town of Herndon's 2030 Comprehensive Plan and consisting of Fairfax County Tax Map parcels 16-4-10-7N, 16-4-10-7C1, 16-4-10-7C2, 16-4-02-25A, 16-4-02-26A, 16-4-10-7C, 16-4-10-6, 16-4-10-2C, 16-4-10-3, and 16-4-10-4.

6. This ordinance shall be effective on and after the dates of its adoption.

This is certified to be a true and accurate copy of Ordinance 13-O-29 adopted at a legally convened meeting of the Town Council of the Town of Herndon on November 26, 2013.

Margie Tacci
Margie C. Tacci, Deputy Town Clerk II